

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 7/8/2019

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NATURAL RESOURCES DEFENSE COUNCIL, :  
INC.; NATIONAL WILDLIFE FEDERATION; :

Plaintiffs, :

18-CV-4596 (VEC)

-against- :

ORDER

U.S. DEPARTMENT OF THE INTERIOR; U.S. :  
FISH AND WILDLIFE SERVICE; DANIEL :  
JORJANI, in his official capacity as the person :  
exercising authority of the Solicitor of the Interior; :

Defendants. :

-----X  
-----X  
NATIONAL AUDUBON SOCIETY; AMERICAN :  
BIRD CONSERVANCY; CENTER FOR :  
BIOLOGICAL DIVERSITY; and DEFENDERS :  
OF WILDLIFE; :

Plaintiffs, :

18-CV-4601 (VEC)

-against- :

U.S. DEPARTMENT OF THE INTERIOR; U.S. :  
FISH AND WILDLIFE SERVICE; DANIEL :  
JORJANI; :

Defendants. :

-----X  
-----X  
STATE OF NEW YORK; STATE OF :  
CALIFORNIA; STATE OF ILLINOIS; STATE :  
OF MARYLAND; COMMONWEALTH OF :  
MASSACHUSETTS; STATE OF NEW JERSEY; :  
STATE OF NEW MEXICO; STATE OF :  
OREGON; :

Plaintiffs, :

18-CV-8084 (VEC)

-against- :  
:  
:  
:

U.S. DEPARTMENT OF THE INTERIOR; U.S. :  
FISH AND WILDLIFE SERVICE; SOL DANIEL :  
JORJANI, in his official capacity as Principal :  
Deputy Solicitor exercising the authority of the :  
Solicitor of the Interior; :  
: :  
Defendants. :  
-----X

VALERIE CAPRONI, United States District Judge:

WHEREAS the undersigned accepted 18-CV-4601 and 18-CV-8084 as related to 18-CV-4596;

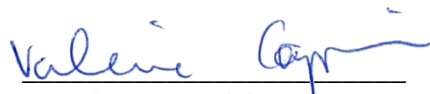
WHEREAS all three cases “involve . . . common question[s] of law [and] fact,” Fed. R. Civ. P. 42(a),

IT IS HEREBY ORDERED that no later than **July 15, 2019**, each group of parties—that is, the NRDC Plaintiffs, the Audobon Plaintiffs, the States, and Defendants—must file a letter setting forth that group’s position on whether these cases ought to be consolidated under Fed. R. Civ. P. 42(a)(2). To the extent the parties (or any portion of them) are in agreement on their response to this order, they are welcome to file a joint letter.

The Court notes that consolidation will neither require the parties to re-brief Defendants’ pending motions to dismiss nor prejudice the Court’s consideration of each Plaintiff group’s opposition to those motions. Consolidation may, however, help “eliminate unnecessary repetition and confusion” among the three cases going forward. *Devlin v. Transp. Commc’ns Int’l Union*, 175 F.3d 121, 130 (2d Cir. 1999) (citations omitted).

**SO ORDERED.**

**Date: July 8, 2019**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**